



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jae ryong Park et al.

Application No.: 10/809,371

Group Art Unit: 1761

Filed: March 26, 2004

Examiner: R. Alexander

For: BREAD MAKER AND CONTROL METHOD THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed September 11, 2006, having a shortened period for response set to expire on October 11, 2006, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Invention I (claims 1-5 and 11-16) in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Invention II (claims 6 and 17) is concerned, it is believed that this invention is so closely related to elected claims 1-5 and 11-16 that they should remain in the same application. The elected claims 1-5 and 11-16 are directed to, for example, a bread maker having a controller controlling the drum driving part to unwind the mixing bag based upon rotation position signals and claims 6 and 17 are drawn to a method including rotating the kneading drums so that the mixing bag is removed based on the detected rotation positions.

It is believed, moreover, that evaluation of all sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Invention II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions.

(A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers non-elected claims 6 and 17 to be a separate invention from elected claims 1-5 and 11-16, the Applicants respectfully request the Examiner to consider claims 1-5 and 11-16 (Invention I) and claims 6 and 17 (Invention II) together.

III. Conclusion

Upon review of references involved in this field of technology, when considering the content of the claims directed to the various species and groups, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

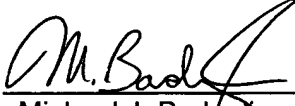
If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10-10-06

By: 
Michael J. Badagliacca
Registration No. 39,099

1201 New York Ave, N.W., Ste. 700
Washington, D.C. 20005
(202) 434-1500